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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,944	11/08/2000	Takahiro Sajima	2927-0117P	9127

7590

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EXAMINER

HUNTER, ALVIN A

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 08/07/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/707,944

Applicant(s)

SAJIMA, TAKAHIRO

Examiner

Alvin A. Hunter

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oka (USPN 5292132).

Oka discloses a golf ball having dimples and lands formed on the surface to improve the flight distance of the golf ball (See Summary of the Invention). The golf ball has less than 40 lands which a) has a short side greater than 0.4mm, b) an area greater than  $0.8\text{mm}^2$ , and c) do not contain a part of a dimple or the whole dimple (See Summary of the Invention). Knowing that the area of the land is greater than  $0.8\text{mm}^2$ , the longer side of the land must have a length greater than 2.0mm. Oka also makes it clear that the lands will be about 1/5 of the dimple area which can range as high as  $14.5\text{mm}^2$  (See Summary of the Invention and Table 1). One-fifth of 14.5 is  $2.9\text{mm}^2$ , which clearly includes  $1 \times 2.99\text{mm}$ , and therefore, would have been obvious. In one embodiment, it is disclosed that the dimples cannot be formed on the parting line (great circle) (See Figure 3 and Column 5, lines 11 through 23). Figure 7 shows overlapping rectangles in which less than half the area of the rectangles. Oka also discloses that the lands may contain two or more rectangles (See Column 5, lines 1 through 7). It would be apparent that the total area of the lands having two or more rectangle would

be satisfied from the above conditions which clearly would satisfy the conditions in any shaped configuration including that of the present invention. Oka also discloses that a typical golf ball would have 280 to 540 dimples and discloses an invention having more than 400 dimples (See Background of the Invention and claim 3). It would appear that having any number of dimples within the prescribed range would be for the purposes of routine optimization for optimizing the flight performance and would be obvious.

### ***Response to Arguments***

Applicant's arguments filed June 7, 2002 have been fully considered but they are not persuasive. The applicant argues that the no prima facie obviousness has been established because of the following: Oka et al. does not disclose maximizing flat portions, and proof of inherency appears not to be established. The examiner respectfully disagrees with the applicant. Regardless of what the applicant believes is the essential object of the invention the general objective of the invention is to improve the flight performance, which is the same as that of the Oka et al. reference. Oka et al. clearly states that the area of the lands are greater than  $0.8\text{mm}^2$  and the short side of the land is greater than 2.0mm, in general implying that the lands may be of any length and width as long as those parameters are met. Furthermore, it appears that the applicant did not attempt to show a comparative ball similar to that of Oka et al. It appears that the invention is nothing more than an optimization of what is already known. Though Oka et al. discloses making the lands smaller, the size of the lands have not upper limits. In conclusion, the present invention is not a novel concept, but an optimization of what is already known in the art.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is 703-306-5693. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell, can be reached on (703) 308-2126. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

  
Paul T. Sewell  
Supervisory Patent Examiner  
Group 3700